

David DeGroot

From: John Hartford <johnjhartford@yahoo.com>
Sent: Wednesday, May 21, 2014 11:55 AM
To: Paul Malingagio
Cc: David DeGroot
Subject: Re: Carson Industries v. ATN - proof of service

Motion to quash will be filed by Friday, May 23.

On Wednesday, May 21, 2014 7:08 AM, Paul Malingagio <PMalingagio@sheppardmullin.com> wrote:

So I take this to mean you do not want an extension of time to respond to the complaint

From: John Hartford [mailto:johnjhartford@yahoo.com]
Sent: Tuesday, May 20, 2014 8:11 PM
To: Paul Malingagio
Cc: David DeGroot
Subject: Re: Carson Industries v. ATN - proof of service

Dear Mr. Malingagio,

I think you are reading too much into the fact that I accidentally learned of this lawsuit and made discreet inquiries of my own into the "service" issues because I found it odd that people at ATN who were supposed to know about it did not.

I successfully represented ATN in various matters as of late and am likely to represent it in this one if retained to do so. I am familiar with the issues involved in this lawsuit from past discussions when ATN considered suing your client who supplied it with thousands of housings for night vision goggles which were defective and which caused ATN to sustain damages far exceeding the product cost. In fact, I was informed then that approximately 50% of the product supplied by your client was defective. It is too bad that ATN managed to pay for most of it before it discovered the extent of the problem.

Now your client is suing ATN claiming a bogus amount which is at least double of what would be owed in the event the product your client supplied was non-defective and what ATN withheld to at least partially offset its damages. It also appears that at least three out of four claims in this action are untenable, as is the claim for attorney fees to which your client cannot be possibly entitled.

If "a waste of time" you mentioned in your email is of a concern for your client, it should consider the waste of time and money which this unwarranted lawsuit will bring if it is properly served, considering that I have no doubt that ATN will countersue your client for much more than it can possibly claim and that attorney fees are not recoverable in this action.

So, if "a waste of time" is indeed of a concern, I urge you and your client to think twice about proceeding with this lawsuit and throwing a lot of good money after bad.

Best regards, John Hartford

On Tuesday, May 20, 2014 7:13 AM, Paul Malingagio <PMalingagio@sheppardmullin.com> wrote:

Since your client and you clearly have notice of the action, it seems like a waste of time to file a “service” motion, unless you contend that your client is not subject to jurisdiction in California. If what you need is more time to respond substantively to the complaint, just confirm that you represent ATN and propose a stipulation.

From: John Hartford [<mailto:johnhartford@yahoo.com>]
Sent: Monday, May 19, 2014 10:06 PM
To: David DeGroot
Cc: Paul Malingagio
Subject: Re: Carson Industries v. ATN - proof of service

Dear Mr. DeGroot,

Based on your latest email, no wonder I expressed a concern about possible mischief. ATN will be making a special appearance by Friday, May 23.

Best regards, John Hartford

On Friday, May 16, 2014 1:34 PM, David DeGroot <DDeGroot@sheppardmullin.com> wrote:

Dear Mr. Hartford,

Thanks for your email. Per the attached proof of service, a licensed process server has sworn that he mailed the materials to the defendant to complete service. That is sufficient. I am confident that the court will agree.

I calculate that the first responsive pleading was due on May 13. Please let me know as soon as possible (1) if you represent the defendant, and (2) if the defendant will appear (not “specially appear”) by next Friday.

Regards,
David DeGroot

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From: John Hartford [<mailto:johnhartford@yahoo.com>]
Sent: Friday, May 16, 2014 12:38 PM
To: David DeGroot
Cc: Paul Malingagio
Subject: Re: Carson Industries v. ATN - proof of service

Dear Mr. DeGroot,

Further to my previous email, unless service of process on ATN is effected in compliance with the applicable statute(s), it intends to specially appear and move to quash.

Regards, John j. Hartford

On Friday, May 16, 2014 8:38 AM, John Hartford <johnjhartford@yahoo.com> wrote:

Dear Mr. DeGroot,

The reason I expressed a concern about "mischief" was that, as I expected, the proof of service is false in that the mailing required to effect substituted service seem to have never occurred.

Regards, John J. Hartford

On Thursday, May 15, 2014 12:21 PM, David DeGroot <DDeGroot@sheppardmullin.com> wrote:

Dear Mr. Hartford,

Please see the attached correspondence in response to your email of yesterday.

Very truly yours,
David DeGroot

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